

**Procedure to be adopted in
cases where affidavit is to be
filed by the Chief Secretary.**

**Government of Maharashtra
Law and Judiciary Department
Government Circular No.: 113-2017/Misc./E
5th Floor, Main Building,
Mantralaya, Mumbai-400 032.
Date: 9th November, 2017.**

Read -

- 1. Government Circular dated 04.03.2017 issued by the office of the Chief Secretary.**

CIRCULAR

The office of the Chief Secretary vide note, dtd. 04.03.2017, has directed all the Additional Chief Secretaries/Principal Secretaries/Secretaries of Mantralaya Departments that where the affidavits are to be filed in the court/tribunal by the Chief Secretary, such draft affidavits be submitted to the Chief Secretary only after getting it vetted by the Law and Judiciary Department. In furtherance thereof, wherever affidavits are to be filed by the Chief Secretary, the Law and Judiciary Department vets the affidavits received from the administrative departments in Mantralaya,

2. It is experienced that the affidavits to be filed by the Chief Secretary are forwarded to the Law and Judiciary Department and submitted to the office of Chief Secretary at the eleventh hour. This causes great inconvenience to the Chief Secretary. Hence, it is felt necessary to prescribe the procedure and time schedule for submission of the affidavits to be filed by the Chief Secretary. Unless otherwise ordered by the office of the Chief Secretary, all the administrative departments are required to strictly adhere to the procedure and time schedule as below:

- a. Where affidavit is to be filed by the Chief Secretary, all the concerned administrative departments shall get such affidavits drafted from the concerned Government Pleader/Presenting Officer/Special Counsels, if any, well in advance, and submit the same to the Law and Judiciary Department for vetting, at least nine days before the date of filing.

- b. On receipt of the draft affidavit from the concerned administrative department in Mantralaya, the Law and Judiciary Department shall vet the draft affidavit at the earliest and shall submit the same to the office of the Chief Secretary seven days before the date of filing.
- c. After approval of the draft affidavit by the Chief Secretary, the concerned administrative department, with the help of the Law Officer, if any, posted in that Department, shall take out the fair copies of the affidavit as per Court's/Tribunal's requirement and obtain the signature and affirmation of Chief Secretary thereon.
- d. Thereafter, the concerned administrative department shall take all the necessary steps to file the affidavit before the concerned Court/Tribunal, well in time.

This Government Circular is available on the website www.maharashtra.gov.in.
Reference number is 201711091247415512. This order has been signed digitally.

(N.J. Jamadar)
Principal Secretary and R.L.A.

Copy forwarded to:

1. All Additional Chief Secretaries/Principal Secretaries/Secretaries of departments in Mantralaya.
2. Government Advocate, Supreme Court, New Delhi/Government Advocate, High Court (OS), Mumbai/Government Pleader, High Court (A.S.)(Writ Cell)/ Government Pleader, High Court (A.S.)/ Government Pleader, High Court Bench at Nagpur/ Government Pleader, High Court Bench at Aurangabad.